BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of: Roger Kenneth Abrams	:	Before the Examiner: Mylinh T. Tran
Serial No.: 09/842,471	:	Group Art Unit: 2179
Filed: April 26, 2001	:	
Title: METHOD FOR IMPROVING USAGE OF A GRAPHIC USER INTERFACE POINTING DEVICE	:	IBM Corporation Intellectual Property Law 3039 Cornwallis Road Research Triangle Park, NC 27709

APPEAL BRIEF

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

I. REAL PARTY IN INTEREST

The real party in interest is International Business Machines, Inc., which is the assignee of the entire right, title and interest in the above-identified patent application.

CERTIFICATION UNDER 37 C.F.R. §1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Mail Stop Appeal Brief-Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on September 1, 2005.

Toni Stanley
Signature

Toni Stanley
(Printed name of person certifying)

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II. RELATED APPEALS AND INTERFERENCES

There are no other appeals or interferences known to Appellant, Appellant's legal representative or assignee which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

III. STATUS OF CLAIMS

Claims 1-55 are pending in the Application. Claims 1-55 stand rejected. Claims 1-55 are appealed.

IV. STATUS OF AMENDMENTS

Appellant has not submitted any amendments following receipt of the final rejection with a mailing date of June 29, 2005.

V. SUMMARY OF CLAIMED SUBJECT MATTER

In one embodiment of the present invention, a method for improving a selection of a graphic user interface (GUI) icon with a pointing device may comprise the step of acquiring data corresponding to a motion of a pointing cursor on a display, the motion of the pointing cursor corresponding to a pointing device used to move the pointing cursor from a first source position to a first destination position on the display. Specification, page 7, line 17 - page 8, line 19; Figure 1, step 103. The method may further comprise generating a set of motion vectors corresponding to the motion of the pointing cursor from the first source position to the first destination position. Specification, page 8, line 15 – page 9, line 2; Figure 1, step 104. The method may further comprise storing the set of motion vectors and the first destination position referenced to the first source position. Specification, page 9, lines 2-3; Figure 1, step 105.

In another embodiment of the present invention, a computer program product, said computer program product embodied in a machine readable medium, including programming for a processor, said computer program comprising a program of instructions for performing the program step of acquiring data corresponding to a motion of a pointing cursor on a display, the motion of the pointing cursor corresponding to a pointing device used to move the pointing cursor from a first source position to a first destination position on the display. Specification, page 7, line 17 - page 8, line 19; Specification, page 17, line 10 – page 19, line 18; Figure 1, step 103; Figure 7, elements 714, 720. The computer program may further comprise a program of instructions for performing generating a set of motion vectors corresponding to the motion of the pointing cursor from the first source position to the first destination position. Specification, page 8, line 15 – page 9, line 2; Specification, page 17, line 10 – page 19, line 18; Figure 1, step 104; Figure 7, elements 714, 720. The computer program may further comprise a program of instructions for performing storing the set of motion vectors and the first destination position referenced to the first source position. Specification, page 9, lines 2-3; Specification, page 17, line 10 – page 19, line 18; Figure 1, step 105; Figure 7, elements 714, 720.

In another embodiment of the present invention, a data processing system may comprise a central processing unit (CPU). Specification, page 17, line 10 – page 18, line 20; Figure 7, element 710. The system may further comprise a random access memory (RAM). Specification, page 17, line 10 – page 18, line 20; Figure 7, element 714. The system may further comprise a communications adapter coupled to a communication network. Specification, page 17, line 10 – page 18, line 20; Figure 7, elements 734, 741. The system may further comprise an I/O adapter. Specification, page 17, line 10 – page 18, line 20; Figure 7, element 718. The system may further comprise a bus system coupling the CPU to the PROM, the communications adapter, the I/O adapter, and the RAM. Specification, page 17, line 10 – page 18, line 20;

Figure 7, elements 710, 714, 716, 718, 734. The CPU comprises circuitry for acquiring data corresponding to a motion of a pointing cursor on a display, the pointing cursor corresponding to a pointing device used to move the pointing cursor from a first source position to a first destination position on the display. Specification, page 7, line 17 - page 8, line 19; Specification, page 17, line 10 – page 18, line 20; Figure 1, step 103; Figure 7, element 710. The CPU may further comprise circuitry for generating a set of motion vectors corresponding to the motion of the pointing cursor from the first source position to the first destination position, the motion vectors having a vector source point, a magnitude and direction. Specification, page 8, line 15 – page 9, line 2; Specification, page 17, line 10 – page 18, line 20; Figure 1, step 104; Figure 7, element 710. The CPU may further comprise circuitry for storing the set of motion vectors and the first destination position referenced to the first source position. Specification, page 9, lines 2-3; Specification, page 17, line 10 – page 18, line 20; Figure 1, step 105; Figure 7, element 710.

In another embodiment of the present invention, a method for improving a selection of a graphic user interface (GUI) icon with a pointing device may comprise the step of predicting, within an application program, a destination point icon by comparing a motion vector imparted by a user to a pointing cursor to a previously acquired motion vector acquired from the user moving the pointing cursor. Specification, page 9, line 10 – page 10, line 20; Figure 2, step 204.

In another embodiment of the present invention, a computer program product, the computer program product embodied in a machine readable medium, including programming for a processor, the computer program comprising a program of instructions for performing the program step of predicting, within an application program, a destination point icon by comparing a motion vector imparted by a user to a pointing cursor to a previously acquired motion vector acquired from the user

moving the pointing cursor. Specification, page 9, line 10 – page 10, line 20; Specification, page 17, line 10 – page 19, line 18; Figure 2, step 204; Figure 7, elements 714, 720.

In another embodiment of the present invention, a data processing system may comprise a central processing unit (CPU). Specification, page 17, line 10 – page 18, line 20; Figure 7, element 710. The system may further comprise a random access memory (RAM). Specification, page 17, line 10 – page 18, line 20; Figure 7, element 714. The system may further comprise a communications adapter coupled to a communication network. Specification, page 17, line 10 – page 18, line 20; Figure 7, elements 734, 741. The system may further comprise an I/O adapter. Specification, page 17, line 10 – page 18, line 20; Figure 7, element 718. The system may further comprise a bus system coupling the CPU to the PROM, the communications adapter, the I/O adapter, and the RAM. Specification, page 17, line 10 – page 18, line 20; Figure 7, elements 710, 714, 716, 718, 734. The CPU may comprise circuitry operable to predict, within an application program, a destination point icon by comparing a motion vector imparted by a user to a pointing cursor to a previously acquired motion vector acquired from the user moving the pointing cursor. Specification, page 9, line 10 – page 10, line 20; Specification, page 17, line 10 – page 19, line 18; Figure 2, step 204; Figure 7, element 710.

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Claims 1-55 stand rejected under 35 U.S.C. §102(b) as being anticipated by Robertson et al. (U.S. Patent No. 5,598,183) (hereinafter "Robertson").

VII. ARGUMENT

A. Claims 1-55 are not properly rejected under 35 U.S.C. §102(b).

The Examiner has rejected claims 1-55 under 35 U.S.C. §102(b) as being anticipated by Robertson. Paper No. 7, page 2. Appellant respectfully traverses these rejections for at least the reasons stated below.

For a claim to be anticipated under 35 U.S.C. §102, each and every claim limitation must be found within the cited prior art reference and arranged as required by the claim. M.P.E.P. §2131.

1 Claims 1, 17 and 33 are not anticipated by Robertson.

Appellant respectfully asserts that Robertson does not disclose "generating a set of motion vectors corresponding to said motion of said pointing cursor from said first source position to said first destination position" as recited in claim 1 and similarly in claims 17 and 33. The Examiner cites column 2, lines 44-56 and column 11, lines 8-51 of Robertson as disclosing the above-cited claim limitation. Paper No. 7, page 3. Appellant respectfully traverses and asserts that Robertson instead discloses that the system of Robertson adds a correction signal to the cursor control signals calculated by the CPU when the cursor is in proximity with a control. Robertson further discloses that whenever the cursor is outside of the control region, the system does not add any correction signal to the control signals. Robertson further discloses that the correction signal is generated in the form of a correction vector. Hence, Robertson discloses a correction vector that is generated when the cursor is in proximity with a control. This is not same as generating a set of vectors corresponding to the motion of the pointing cursor from a source position to a destination position. Instead, the correction vector causes the cursor to move toward the center point of the control whenever the cursor is within the control region.

Thus, Robertson does not disclose all of the limitations of claims 1, 17 and 33, and thus Robertson does not anticipate claims 1, 17 and 33. M.P.E.P. §2131.

In response to Appellant's above argument, the Examiner asserts that Robertson inherently discloses the above-cited claim limitation. Paper No. 7, page 6. However, the Examiner has not provided a basis in fact and/or technical reasoning to support the assertion that Robertson inherently discloses generating a set of motion vectors corresponding to the motion of the pointing cursor from a source position to a destination position. *Ex parte Levy*, 17 U.S.P.Q.2d 1461, 1464 (Bd. Pat. App. & Inter. 1990). The Examiner must provide extrinsic evidence that must make clear that Robertson inherently discloses generating a set of motion vectors corresponding to the motion of the pointing cursor from a source position to a destination position, and that it would be so recognized by persons of ordinary skill. *In re Robertson*, 169 F.3d 743, 745 (Fed. Cir. 1999). Inherency, however, may not be established by probabilities or possibilities. *Id.* The mere fact that a certain thing may resolve from a given set of circumstances is not sufficient. *Id.* Therefore, the Examiner must support the inherency argument with objective evidence meeting the above requirements. Since the Examiner has not provided any such objective evidence, the Examiner has not presented a *prima facie* case of anticipation for rejecting claims 1, 17 and 33. M.P.E.P. §2131.

Appellant further asserts that Robertson does not disclose "storing said set of motion vectors and said first destination position referenced to said first source position" as recited in claim 1 and similarly in claims 17 and 33. The Examiner cites column 1, lines 43-57 and column 4, lines 42-67 of Robertson as disclosing the above-cited claim limitation. Paper No. 7, page 3. Appellant respectfully traverses and asserts that Robertson instead discloses that a current location storage unit 24 of the system contains the cursor control signals, i.e., X and Y coordinates, corresponding to the current location of the cursor on the display. Column 4, lines

42-45. Robertson further discloses that if the contents of the display are altered, the system determines a new location for the cursor relative to the altered display and stores the new location in the current location storage area 24. Column 4, lines 46-49. Hence, Robertson discloses storing the current location of the cursor in terms of its X and Y coordinates. This is not the same as storing vectors. Neither do the cited passages disclose storing a final destination position but instead discloses storing a current location. Furthermore, neither do the cited passages disclose storing a final destination position referenced to a source position. Thus, Robertson does not disclose all of the limitations of claims 1, 17 and 33, and thus Robertson does not anticipate claims 1, 17 and 33. M.P.E.P. §2131.

In response to Appellant's above argument, the Examiner focuses on the phrase "a first storage area stores the position data corresponding to a first position of the cursor" as recited in column 1, lines 45-47 of Robertson. Paper No. 7, page 6. However, the position data refers to the current location of the cursor in terms of its X and Y coordinates. For the reasons stated in the previous paragraph, Robertson does not disclose all of the limitations of claims 1, 17 and 33, and thus Robertson does not anticipate claims 1, 17 and 33. M.P.E.P. §2131.

2. Claims 47, 50 and 53 are not anticipated by Robertson.

Appellant respectfully asserts that Robertson does not disclose "predicting, within an application program, a destination point icon by comparing a motion vector imparted by a user to a pointing cursor to a previously acquired motion vector acquired from said user moving said pointing cursor" as recited in claim 47 and similarly in claims 50 and 53. The Examiner cites column 9, line 41 – column 10, line 5 of Robertson as disclosing the above-cited claim limitation. Paper No. 7, page 3. Appellant respectfully traverses and asserts that Robertson instead discloses that the system stores the current cursor position which is later compared with the current

cursor position. The stored cursor position is not a vector but instead an X and Y coordinate. Hence, Robertson does not disclose comparing a motion vector imparted by a user to a pointing cursor to a previously acquired motion vector acquired from the user moving the pointing cursor. Thus, Robertson does not disclose all of the limitations of claims 47, 50 and 53, and thus Robertson does not anticipate claims 47, 50 and 53. M.P.E.P. §2131.

In response to Appellant's above argument, the Examiner now cites column 2, lines 25-37 of Robertson as disclosing the above-cited claim limitation. Paper No. 7, page 6. Appellant respectfully traverses and asserts that Robertson instead discloses prediction means that predicts the intended user destination by examining cursor position data to determine a direction of cursor movement and determines whether the direction of cursor movement substantially coincides with a user selectable option, with the user selectable option being designated as the intended user destination if the direction of cursor movement substantially coincides with the user selectable option. Column 2, lines 30-37. Hence, Robertson discloses predicting the intended user destination by examining cursor position data. There is no language in the cited passage that discloses predicting, within an application program, a destination point icon by comparing a motion vector imparted by a user to a pointing cursor to a previously acquired motion vector. Neither is there any language in the cited passage that discloses predicting, within an application program, a destination point icon by comparing a motion vector imparted by a user to a pointing cursor to a previously acquired motion vector acquired from the user moving the pointing cursor. Thus, Robertson does not disclose all of the limitations of claims 47, 50 and 53, and thus Robertson does not anticipate claims 47, 50 and 53. M.P.E.P. §2131.

Further, in response to Appellant's above argument, the Examiner cites Figure 3B and step 108 in Figure 4. Paper No. 7, page 7. Appellant has previously addressed these citations.

3. Claims 2-16, 18-32, 34-46 are not anticipated by Robertson since claims 1, 17 and 33 are not anticipated by Robertson.

Claims 2-16 depend from claim 1 and hence claims 2-16 are not anticipated by Robertson for at least the reasons that claim 1 is not anticipated by Robertson. Claims 18-32 depend from claim 17 and hence claims 18-32 are not anticipated by Robertson for at least the reasons that claim 17 is not anticipated by Robertson. Claims 34-46 depend from claim 33 and hence claims 34-46 are not anticipated by Robertson for at least the reasons that claim 33 is not anticipated by Robertson.

4. Claims 48-49, 51-52 and 54-55 are not anticipated by Robertson since claims 1, 17 and 33 are not anticipated by Robertson.

Claims 48-49 depend from claim 47 and hence claims 48-49 are not anticipated by Robertson for at least the reasons that claim 47 is not anticipated by Robertson. Claims 51-52 depend from claim 50 and hence claims 51-52 are not anticipated by Robertson for at least the reasons that claim 50 is not anticipated by Robertson. Claims 54-55 depend from claim 53 and hence claims 54-55 are not anticipated by Robertson for at least the reasons that claim 53 is not anticipated by Robertson.

5. Claims 2, 4, 18, 20, 34 and 35 are not anticipated by Robertson.

Appellant respectfully asserts that Robertson does not disclose "generating, within an application program, a first motion vector for said pointing cursor on said display as said pointing cursor moves from a second source position in response to a motion of said pointing device" as recited in claim 2 and similarly in claims 4, 18, 20, 34 and 35. The Examiner cites column 2, lines 44-56 and column 11, lines 8-51 of Robertson as disclosing the above-cited claim limitation. Paper No. 7, page 3. Appellant respectfully traverses. As stated above, Robertson instead discloses that the system of Robertson adds a correction signal to the cursor control signals

calculated by the CPU when the cursor is in proximity with a control. Robertson further discloses that whenever the cursor is outside of the control region, the system does not add any correction signal to the control signals. Robertson further discloses that the correction signal is generated in the form of a correction vector. Hence, Robertson discloses a correction vector that is generated when the cursor is in proximity with a control. This is not same as generating a motion vector for the cursor as the cursor moves from a second source position in response to a motion of a pointing device. Instead, the correction vector causes the cursor to move toward the center point of the control whenever the cursor is within the control region. Thus, Robertson does not disclose all of the limitations of claims 2, 4, 18, 20, 34 and 35, and thus Robertson does not anticipate claims 2, 4, 18, 20, 34 and 35. M.P.E.P. §2131.

In response to Appellant's above argument, the Examiner asserts that Robertson inherently discloses the above-cited claim limitation. Paper No. 7, page 7. However, the Examiner has not provided a basis in fact and/or technical reasoning to support the assertion that Robertson inherently discloses generating, within an application program, a first motion vector for the pointing cursor on the display as the pointing cursor moves from a second source position in response to a motion of the pointing device. *Ex parte Levy*, 17 U.S.P.Q.2d 1461, 1464 (Bd. Pat. App. & Inter. 1990). The Examiner must provide extrinsic evidence that must make clear that Robertson inherently discloses generating, within an application program, a first motion vector for the pointing cursor on the display as the pointing cursor moves from a second source position in response to a motion of the pointing device, and that it would be so recognized by persons of ordinary skill. *In re Robertson*, 169 F.3d 743, 745 (Fed. Cir. 1999). Inherency, however, may not be established by probabilities or possibilities. *Id.* The mere fact that a certain thing may resolve from a given set of circumstances is not sufficient. *Id.* Therefore, the Examiner must support the inherency argument with objective evidence meeting the above requirements. Since

the Examiner has not provided any such objective evidence, the Examiner has not presented a *prima facie* case of anticipation for rejecting claims 2, 4, 18, 20, 34 and 35. M.P.E.P. §2131.

6. Claims 2, 4, 18, 20, 34 and 35 are not anticipated by Robertson.

Appellant respectfully asserts that Robertson does not disclose "predicting a destination point icon in response to a compare of said second source position to a corresponding stored source position or a source position proximate to said second source position, wherein said corresponding stored source position which compares to said second source position also has stored said first motion vector or a motion vector proximate to said first motion vector" as recited in claim 2 and similarly in claims 4, 18, 20, 34 and 35. The Examiner cites column 9, line 41 – column 10, line 5 of Robertson as disclosing the above-cited claim limitation. Paper No. 7, page 3. Appellant respectfully traverses and asserts that Robertson instead discloses that the system stores the current cursor position which is later compared with the current cursor position. The stored cursor position is not a vector but instead an X and Y coordinate. Hence, Robertson does not disclose a stored source position that includes a motion vector. Thus, Robertson does not disclose all of the limitations of claims 2, 4, 18, 20, 34 and 35, and thus Robertson does not anticipate claims 2, 4, 18, 20, 34 and 35. M.P.E.P. §2131.

In response to Appellant's above argument, the Examiner now cites column 2, lines 25-37 of Robertson as disclosing the above-cited claim limitation. Paper No. 7, page 7. Appellant respectfully traverses and asserts that Robertson instead discloses prediction means that predicts the intended user destination by examining cursor position data to determine a direction of cursor movement and determines whether the direction of cursor movement substantially coincides with a user selectable option, with the user selectable option being designated as the intended user destination if the

direction of cursor movement substantially coincides with the user selectable option. Column 2, lines 30-37. Hence, Robertson discloses predicting the intended user destination by examining cursor position data. There is no language in the cited passage that discloses predicting a destination point icon in response to a compare of the second source position to a corresponding stored source position or a source position proximate to the second source position, where the corresponding stored source position which compares to the second source position also has stored the first motion vector or a motion vector proximate to the first motion vector. Thus, Robertson does not disclose all of the limitations of claims 2, 4, 18, 20, 34 and 35, and thus Robertson does not anticipate claims 2, 4, 18, 20, 34 and 35. M.P.E.P. §2131.

Further, in response to Appellant's above argument, the Examiner cites Figure 3B and step 108 in Figure 4. Paper No. 7, page 8. Appellant has previously addressed these citations.

7. Claims 2, 18, 34, 48, 51 and 54 are not anticipated by Robertson.

Appellant respectfully asserts that Robertson does not disclose "highlighting said destination point icon" as recited in claim 2 and similarly in claims 18, 34, 48, 51 and 54. The Examiner cites column 11, lines 8-28 of Robertson as disclosing the above-cited claim limitation. Paper No. 7, page 3. Appellant respectfully traverses As stated above, Robertson instead discloses that the system of Robertson adds a correction signal to the cursor control signals calculated by the CPU when the cursor is in proximity with a control. Robertson further discloses that whenever the cursor is outside of the control region, the system does not add any correction signal to the control signals. Robertson further discloses that the correction signal is generated in the form of a correction vector. Hence, Robertson discloses a correction vector that is

generated when the cursor is in proximity with a control. There is no language in the cited passage that discloses highlighting a destination point icon. Thus, Robertson does not disclose all of the limitations of claims 2, 18, 34, 48, 51 and 54, and thus Robertson does not anticipate claims 2, 18, 34, 48, 51 and 54. M.P.E.P. §2131.

In response to Appellant's above argument, the Examiner now cites Figure 3B and column 8, lines 20-35 of Robertson as disclosing the above-cited claim limitation. Paper No. 7, page 8. Appellant respectfully traverses. Robertson instead discloses that the computer will close the dialog box 40, which returns the display 16 to the display shown in FIG. 3A with the cursor 30 being repositioned over the FILE button 32. Column 8, lines 19-21. Robertson further discloses that this occurs because the system 10 uses the data stored in the return location storage area 26 to reposition the cursor 30 to the location that it was at when the display 16 had the appearance shown in FIG. 3A. Column 8, lines 22-25. Robertson further discloses that the operation of the system 10 when closing a window is illustrated in the flowchart of FIG. 2B. Column 8, lines 26-27. Robertson further discloses that the system 10 starts at step 78 with the deactivation of the current window. Column 8, lines 27-28. Robertson further discloses that the deactivation may occur automatically as a result of the user selecting an option, such as selecting the YES button 42 in FIG. 3D, or may occur as the result of the user manually closing a window in a manner well known to those skilled in the art. Column 8, lines 30-34. There is no language in the cited passage that refers to highlighting a destination point icon. Thus, Robertson does not disclose all of the limitations of claims 2, 18, 34, 48, 51 and 54, and thus Robertson does not anticipate claims 2, 18, 34, 48, 51 and 54. M.P.E.P. §2131.

8. Claims 3, 5, 19, and 21 are not anticipated by Robertson.

Appellant respectfully asserts that Robertson does not disclose "repeating said steps (a) through (c) until said highlighted destination point icon is actuated by a user

of said pointing device" as recited in claim 3 and similarly in claims 5, 19, and 21. The Examiner cites column 11, lines 8-28 of Robertson as disclosing the above-cited claim limitation. Paper No. 7, page 3. Appellant respectfully traverses and asserts that Robertson instead discloses that the system of Robertson adds a correction signal to the cursor control signals calculated by the CPU when the cursor is in proximity with a control. Robertson further discloses that whenever the cursor is outside of the control region, the system does not add any correction signal to the control signals. Robertson further discloses that the correction signal is generated in the form of a correction vector. Hence, Robertson discloses a correction vector that is generated when the cursor is in proximity with a control. As stated above, there is no language in the cited passage that discloses highlighting a destination point icon. Neither is there any language in the cited passage that discloses performing steps (a) through (c). Neither is there any language in the cited passage that discloses repeating steps (a) through (c) until the highlighted destination point icon is actuated by a user of a pointing device. Thus, Robertson does not disclose all of the limitations of claims 3, 5, 19 and 21, and thus Robertson does not anticipate claims 3, 5, 19 and 21. M.P.E.P. §2131.

9. Claims 4, 20 and 35 are not anticipated by Robertson.

Appellant respectfully asserts that Robertson does not disclose "modifying a motion of said pointing cursor to more nearly follow ideal motion vectors from said first source position to said destination point icon" as recited in claim 4 and similarly in claims 20 and 35. The Examiner cites column 8, line 67 – column 9, line 13 of Robertson as disclosing the above-cited claim limitation. Paper No. 7, page 4. Appellant respectfully traverses and asserts that Robertson instead discloses that that the system predicts the intended location and automatically repositions the cursor at the predicted intended location. There is no language in the cited passage that discloses modifying a motion of a pointing cursor to more nearly follow ideal motion

vectors. Neither is there any language in the cited passage that discloses modifying a motion of a pointing cursor to more nearly follow ideal motion vectors from a source position to a destination point icon. Instead, Robertson simply discloses repositioning the cursor at the predicted intended location. Thus, Robertson does not disclose all of the limitations of claims 4, 20 and 35, and thus Robertson does not anticipate claims 4, 20 and 35. M.P.E.P. §2131.

In response to Appellant's above argument, the Examiner now cites column 2, lines 37-44 of Robertson as disclosing the above-cited claim limitation. Paper No. 7, page 8. Appellant respectfully traverses and asserts that Robertson instead discloses that the system alters the sensitivity of the cursor control device when the cursor is in proximity with a control so that the cursor moves less distance for a given unit of movement of the cursor control device than when the cursor is not in proximity with a control. Column 8, lines 37-43. Robertson further discloses that this advantageously permits the user to more easily position the cursor on the control. Column 8, lines 43-44. Hence, Robertson discloses altering the sensitivity of the cursor control device, e.g., mouse, when the cursor is in proximity with a control, e.g., element 150 in Figure 6 of Robertson. Altering the sensitivity of the cursor control device refers to altering the amount of movement of the cursor for a given unit of movement of the cursor control device (see column 4, lines 25-30 of Robertson). There is no language in the cited passage that discloses modifying a motion of a pointing cursor to more nearly follow ideal motion vectors. Neither is there any language in the cited passage that discloses modifying a motion of a pointing cursor to more nearly follow ideal motion vectors from the first source position to the destination point icon. Thus, Robertson does not disclose all of the limitations of claims 4, 20 and 35, and thus Robertson does not anticipate claims 4, 20 and 35. M.P.E.P. §2131.

10. Claims 9, 25 and 39 are not anticipated by Robertson.

Appellant respectfully asserts that Robertson does not disclose "wherein another of said motion vectors is generated each time said motion starts from a motion stop" as recited in claim 9 and similarly in claims 25 and 39. The Examiner cites column 10, line 55 – column 11, line 8 of Robertson as disclosing the above-cited claim limitation. Paper No. 7, page 4. Appellant respectfully traverses and asserts that Robertson instead discloses that the system determines whether the current position of the cursor still coincides with the position of a control on the display. Robertson further discloses that if the current cursor position does coincide with the position of a control on the display, the system maintains the sensitivity values at the decreased level. Robertson further discloses that otherwise the cursor sensitivity values return to their initial values. There is no language in the cited passage that discloses generating a motion vector. Neither is there any language in the cited passage that discloses generating a motion vector each time the motion starts. Neither is there any language in the cited passage that discloses generating a motion vector each time the motion starts from a motion stop. Thus, Robertson does not disclose all of the limitations of claims 9, 25 and 39, and thus Robertson does not anticipate claims 9, 25 and 39. M.P.E.P. §2131.

In response to Appellant's above argument, the Examiner asserts that Robertson discloses the above-cited claim limitation without providing any evidence to support the Examiner's statement. Paper No. 7, page 9. The Examiner must provide evidence that Robertson expressly or inherently describes the above-cited claim limitation in order to establish a *prima facie* case of anticipation. M.P.E.P. §2131. Since the Examiner has not provided such evidence, the Examiner has not established a *prima facie* case of anticipation in rejecting claims 9, 25 and 39. M.P.E.P. §2131.

11. Claims 10, 26 and 40 are not anticipated by Robertson.

Appellant respectfully asserts that Robertson does not disclose "wherein said motion vector comprises parameters defining a pointing cursor average velocity, starting position, stopping position, and motion direction" as recited in claim 10 and similarly in claims 26 and 40. The Examiner cites column 8, lines 18-50 of Robertson as disclosing the above-cited claim limitation. Paper No. 5, page 4. Appellant respectfully traverses and asserts that Robertson instead discloses that if the window ID is on the list of stored window IDs, then the system positions the cursor to the return location associated with the particular window ID. Robertson further discloses that otherwise, the system does not reposition the cursor. There is no language in the cited passage that discloses a motion vector. Neither is there any language in the cited passage that discloses the parameters of a motion vector. Thus, Robertson does not disclose all of the limitations of claims 10, 26 and 40, and thus Robertson does not anticipate claims 10, 26 and 40. M.P.E.P. §2131.

In response to Appellant's above argument, the Examiner asserts that Robertson inherently discloses the above-cited claim limitation. Paper No. 7, page 9. However, the Examiner has not provided a basis in fact and/or technical reasoning to support the assertion that Robertson inherently discloses a motion vector that comprises parameters defining a pointing cursor average velocity, starting position, stopping position, and motion direction. *Ex parte Levy*, 17 U.S.P.Q.2d 1461, 1464 (Bd. Pat. App. & Inter. 1990). The Examiner must provide extrinsic evidence that must make clear that Robertson inherently discloses a motion vector that comprises parameters defining a pointing cursor average velocity, starting position, stopping position, and motion direction, and that it would be so recognized by persons of ordinary skill. *In re Robertson*, 169 F.3d 743, 745 (Fed. Cir. 1999). Inherency, however, may not be established by probabilities or possibilities. *Id.* The mere fact that a certain thing may resolve from a given set of circumstances is not sufficient.

Id. Therefore, the Examiner must support the inherency argument with objective evidence meeting the above requirements. Since the Examiner has not provided any such objective evidence, the Examiner has not presented a *prima facie* case of anticipation for rejecting claims 10, 26 and 40. M.P.E.P. §2131.

Further, in response to Appellant's above argument, the Examiner asks how can the system generate the motion vector without these parameters. Paper No. 7, page 9. The Examiner though has not first established that Robertson discloses generating a motion vector. Secondly, a motion vector may be defined without the use of average velocity, starting position, stopping position, and motion direction. For example, acceleration, current velocity, etc. may be other parameters

12. Claims 11, 27 and 41 are not anticipated by Robertson.

Appellant respectfully asserts that Robertson does not disclose "wherein said set of motion vectors are stored in response to actuation said destination point icon" as recited in claim 11 and similarly in claims 27 and 41. The Examiner cites column 11, lines 8-28 of Robertson as disclosing the above-cited claim limitation. Paper No. 7, page 3. Appellant respectfully traverses As stated above, Robertson instead discloses that the system of Robertson adds a correction signal to the cursor control signals calculated by the CPU when the cursor is in proximity with a control. Robertson further discloses that whenever the cursor is outside of the control region, the system does not add any correction signal to the control signals. Robertson further discloses that the correction signal is generated in the form of a correction vector. Hence, Robertson discloses a correction vector that is generated when the cursor is in proximity with a control. There is no language in the cited passage that discloses a set of motion vectors. Neither is there any language in the cited passage that discloses storing a set of motion vectors in response to an actuation of a destination point icon. Thus, Robertson does not disclose all of the limitations of

claims 11, 27 and 41, and thus Robertson does not anticipate claims 11, 27 and 41. M.P.E.P. §2131.

In response to Appellant's above argument, the Examiner cites column 1, lines 45-65 of Robertson as disclosing the above-cited claim limitation. Paper No. 7, page 9. Appellant respectfully traverses and asserts that Robertson instead discloses a first storage area that stores the position data corresponding to a first position of the cursor and a first screen display on the computer display. Column 1, lines 45-48. There is no language in the cited passage that discloses a set of motion vectors. Neither is there any language in the cited passage that discloses storing a set of motion vectors in response to an actuation of a destination point icon. Thus, Robertson does not disclose all of the limitations of claims 11, 27 and 41, and thus Robertson does not anticipate claims 11, 27 and 41. M.P.E.P. §2131.

13. Claims 12, 28 and 42 are not anticipated by Robertson.

Appellant respectfully asserts that Robertson does not disclose "wherein said set of motion vectors are associated with said first source position and source positions proximate to said first source position, and said first destination position and destination positions proximate to said first destination position" as recited in claim 12 and similarly in claims 28 and 42. The Examiner cites column 6, lines 24-60 of Robertson as disclosing the above-cited claim limitation. Paper No. 7, page 4. Appellant respectfully traverses and asserts that Robertson instead discloses that system alters the screen display in response to the user selection or activation of a new window. There is no language in the cited passage that discloses a set of motion vectors. Neither is there any language in the cited passage that discloses a set of motion vectors associated with a first source position and source positions proximate to the first source position. Neither is there any language in the cited passage that discloses a set of motion vectors associated with a first destination position and

destination positions proximate to the first destination position. Thus, Robertson does not disclose all of the limitations of claims 12, 28 and 42, and thus Robertson does not anticipate claims 12, 28 and 42. M.P.E.P. §2131.

In response to Appellant's above argument, the Examiner asserts that Robertson inherently discloses the above-cited claim limitation. Paper No. 7, page 10. However, the Examiner has not provided a basis in fact and/or technical reasoning to support the assertion that Robertson inherently discloses a set of motion vectors that are associated with the first source position and source positions proximate to the first source position, and the first destination position and destination positions proximate to the first destination position. *Ex parte Levy*, 17 U.S.P.Q.2d 1461, 1464 (Bd. Pat. App. & Inter. 1990). The Examiner must provide extrinsic evidence that must make clear that Robertson inherently discloses a set of motion vectors that are associated with the first source position and source positions proximate to the first source position, and the first destination position and destination positions proximate to the first destination position, and that it would be so recognized by persons of ordinary skill. *In re Robertson*, 169 F.3d 743, 745 (Fed. Cir. 1999). Inherency, however, may not be established by probabilities or possibilities. *Id.* The mere fact that a certain thing may resolve from a given set of circumstances is not sufficient. *Id.* Therefore, the Examiner must support the inherency argument with objective evidence meeting the above requirements. Since the Examiner has not provided any such objective evidence, the Examiner has not presented a *prima facie* case of anticipation for rejecting claims 12, 28 and 42. M.P.E.P. §2131.

14. Claims 13, 29 and 43 are not anticipated by Robertson.

Appellant respectfully asserts that Robertson does not disclose "wherein said second source position corresponds to a position of a source point icon" as recited in claim 13 and similarly in claims 29 and 43. The Examiner cites column 5, lines 8-55

of Robertson as disclosing the above-cited claim limitation. Paper No. 7, page 5. Appellant respectfully traverses and asserts that Robertson instead discloses a list of possible cursor locations for the new screen display. There is no language in the cited passage that discloses a second source position that corresponds to a position of a source point icon. Thus, Robertson does not disclose all of the limitations of claims 13, 29 and 43, and thus Robertson does not anticipate claims 13, 29 and 43. M.P.E.P. §2131.

15. Claims 14, 30 and 44 are not anticipated by Robertson.

Appellant respectfully asserts that Robertson does not disclose "wherein said pointing cursor locks to said destination point icon until said destination point icon is actuated by a user" as recited in claim 14 and similarly in claims 30 and 44. The Examiner cites column 11, lines 8-28 of Robertson as disclosing the above-cited claim limitation. Paper No. 7, page 3. Appellant respectfully traverses As stated above, Robertson instead discloses that the system of Robertson adds a correction signal to the cursor control signals calculated by the CPU when the cursor is in proximity with a control. Robertson further discloses that whenever the cursor is outside of the control region, the system does not add any correction signal to the control signals. Robertson further discloses that the correction signal is generated in the form of a correction vector. Hence, Robertson discloses a correction vector that is generated when the cursor is in proximity with a control. There is no language in the cited passage that discloses locking the pointing cursor to the destination point icon until the destination point icon is actuated by a user. Thus, Robertson does not disclose all of the limitations of claims 14, 30 and 44, and thus Robertson does not anticipate claims 14, 30 and 44. M.P.E.P. §2131.

In response to Appellant's above argument, the Examiner cites column 2, lines 25-36 of Robertson as disclosing the above-cited claim limitation. Paper No. 7, page

10. Appellant respectfully traverses and asserts that Robertson instead discloses prediction means that predicts the intended user destination by examining cursor position data to determine a direction of cursor movement and determines whether the direction of cursor movement substantially coincides with a user selectable option, with the user selectable option being designated as the intended user destination if the direction of cursor movement substantially coincides with the user selectable option. Column 2, lines 30-37. Hence, Robertson discloses predicting the intended user destination by examining cursor position data. There is no language in the cited passage that discloses a pointing cursor locking to a destination point icon until the destination point icon is actuated by a user. Thus, Robertson does not disclose all of the limitations of claims 14, 30 and 44, and thus Robertson does not anticipate claims 14, 30 and 44. M.P.E.P. §2131.

16. Claims 15, 31 and 45 are not anticipated by Robertson.

Appellant respectfully asserts that Robertson does not disclose "wherein said pointing cursor locks to said destination point icon until a motion vector indicates a more likely destination point icon" as recited in claim 15 and similarly in claims 31 and 45. The Examiner cites column 5, lines 8-55 of Robertson as disclosing the above-cited claim limitation. Paper No. 7, page 5. Appellant respectfully traverses and asserts that Robertson instead discloses a list of possible cursor locations for the new screen display. There is no language in the cited passage regarding a motion vector. Neither is there any language in the cited passage that discloses a pointing cursor locking to a destination point icon until a motion vector indicates a more likely destination point icon. Thus, Robertson does not disclose all of the limitations of claims 15, 31 and 45, and thus Robertson does not anticipate claims 15, 31 and 45. M.P.E.P. §2131.

In response to Appellant's above argument, the Examiner cites column 2, lines 25-36 of Robertson as disclosing the above-cited claim limitation. Paper No. 7, page

10. Appellant respectfully traverses and asserts that Robertson instead discloses prediction means that predicts the intended user destination by examining cursor position data to determine a direction of cursor movement and determines whether the direction of cursor movement substantially coincides with a user selectable option, with the user selectable option being designated as the intended user destination if the direction of cursor movement substantially coincides with the user selectable option. Column 2, lines 30-37. Hence, Robertson discloses predicting the intended user destination by examining cursor position data. There is no language in the cited passage that discloses a pointing cursor locking to a destination point icon until the destination point icon until a motion vector indicates a more likely destination point icon. Thus, Robertson does not disclose all of the limitations of claims 15, 31 and 45, and thus Robertson does not anticipate claims 15, 31 and 45. M.P.E.P. §2131.

17. Claims 16, 32 and 46 are not anticipated by Robertson.

Appellant respectfully asserts that Robertson does not disclose "wherein said motion of said pointing cursor proceeds from said first source position to said destination point icon corresponding to an ideal motion vector, said ideal motion vector motion changed only if a new destination point icon is determined" as recited in claim 16 and similarly in claims 32 and 46. The Examiner cites column 8, line 67 – column 9, line 13 of Robertson as disclosing the above-cited claim limitation. Paper No. 7, page 5. Appellant respectfully traverses As stated above, Robertson instead discloses that that the system predicts the intended location and automatically repositions the cursor at the predicted intended location. There is no language in the cited passage that discloses motion vectors. Neither is there any language in the cited passage that discloses that the motion of the pointing cursor proceeds from a first source position to a destination point icon corresponding to an ideal motion vector. Neither is there any language in the cited passage that discloses that the motion of the

pointing cursor proceeds from a first source position to a destination point icon corresponding to an ideal motion vector, where the ideal motion vector motion is changed only if a new destination point icon is determined. Thus, Robertson does not disclose all of the limitations of claims 16, 32 and 46, and thus Robertson does not anticipate claims 16, 32 and 46. M.P.E.P. §2131.

In response to Appellant's above argument, the Examiner asserts that Robertson inherently discloses the above-cited claim limitation. Paper No. 7, page 11. However, the Examiner has not provided a basis in fact and/or technical reasoning to support the assertion that Robertson inherently discloses that a motion of a pointing cursor proceeds from the first source position to the destination point icon corresponding to an ideal motion vector, where the ideal motion vector motion changed only if a new destination point icon is determined. *Ex parte Levy*, 17 U.S.P.Q.2d 1461, 1464 (Bd. Pat. App. & Inter. 1990). The Examiner must provide extrinsic evidence that must make clear that Robertson inherently discloses that a motion of a pointing cursor proceeds from the first source position to the destination point icon corresponding to an ideal motion vector, where the ideal motion vector motion changed only if a new destination point icon is determine, and that it would be so recognized by persons of ordinary skill. *In re Robertson*, 169 F.3d 743, 745 (Fed. Cir. 1999). Inherency, however, may not be established by probabilities or possibilities. *Id.* The mere fact that a certain thing may resolve from a given set of circumstances is not sufficient. *Id.* Therefore, the Examiner must support the inherency argument with objective evidence meeting the above requirements. Since the Examiner has not provided any such objective evidence, the Examiner has not presented a *prima facie* case of anticipation for rejecting claims 16, 32 and 46. M.P.E.P. §2131.

Further, the Examiner cites column 1, line 45 – column 2, line 55 of Robertson as disclosing the above-cited claim limitation. Paper No. 7, page 11.

Appellant respectfully traverses. There is no language in the cited passage that discloses motion vectors. Neither is there any language in the cited passage that discloses that the motion of the pointing cursor proceeds from a first source position to a destination point icon corresponding to an ideal motion vector. Neither is there any language in the cited passage that discloses that the motion of the pointing cursor proceeds from a first source position to a destination point icon corresponding to an ideal motion vector, where the ideal motion vector motion is changed only if a new destination point icon is determined. Thus, Robertson does not disclose all of the limitations of claims 16, 32 and 46, and thus Robertson does not anticipate claims 16, 32 and 46. M.P.E.P. §2131.

18. Claim 49 is not anticipated by Robertson.

Appellant respectfully asserts that Robertson does not disclose "modifying a motion of said pointing cursor as a user moves a pointing device corresponding to said pointing cursor in an attempt to move said pointing cursor from a source point icon to said predicted destination point icon" as recited in claim 49 and similarly in claims 52 and 55. The Examiner cites column 8, line 67 – column 9, line 13 of Robertson as disclosing the above-cited claim limitation. Paper No. 7, page 4. Appellant respectfully traverses As stated above, Robertson instead discloses that that the system predicts the intended location and automatically repositions the cursor at the predicted intended location. There is no language in the cited passage that discloses modifying a motion of a pointing cursor as a user moves a pointing device. Neither is there any language that discloses modifying a motion of a pointing cursor as a user moves a pointing device corresponding to the pointing cursor in an attempt to move the pointing cursor from a source point icon to the predicted destination point icon. Thus, Robertson does not disclose all of the limitations of claims 49, 52 and 55, and thus Robertson does not anticipate claims 49, 52 and 55. M.P.E.P. §2131.

VIII. CONCLUSION

For the reasons noted above, the rejections of claims 1-55 are in error. Appellant respectfully requests reversal of the rejections and allowance of claims 1-55.

Respectfully submitted,
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CLAIMS APPENDIX

1. A method for improving a selection of a graphic user interface (GUI) icon with a pointing device, comprising the steps of:

acquiring data corresponding to a motion of a pointing cursor on a display, said motion of said pointing cursor corresponding to a pointing device used to move said pointing cursor from a first source position to a first destination position on said display;

generating a set of motion vectors corresponding to said motion of said pointing cursor from said first source position to said first destination position; and

storing said set of motion vectors and said first destination position referenced to said first source position.

2. The method of claim 1 further comprising the steps of:

(a) generating, within an application program, a first motion vector for said pointing cursor on said display as said pointing cursor moves from a second source position in response to a motion of said pointing device;

(b) predicting a destination point icon in response to a compare of said second source position to a corresponding stored source position or a source position proximate to said second source position, wherein said corresponding stored source position which compares to said second source position also has stored said first motion vector or a motion vector proximate to said first motion vector; and

(c) highlighting said destination point icon.

3. The method of claim 2, further comprising the step of:

repeating said steps (a) through (c) until said highlighted destination point icon is actuated by a user of said pointing device.

4. The method of claim 1, further comprising the steps of:

(a) generating, within an application program, a first motion vector for said pointing cursor on said display as said pointing cursor moves from a second source

position in response to a motion of said pointing device;

(b) predicting a destination point icon in response to a compare of said second source position to a corresponding stored source position or a source position proximate to said second source position, wherein said corresponding stored source position which compares to said second source position also has stored said first motion vector or a motion vector proximate to said first motion vector; and

(c) modifying a motion of said pointing cursor to more nearly follow ideal motion vectors from said first source position to said destination point icon.

5. The method of claim 4, further comprising the step of:

repeating said steps (a) through (c) until said predicted destination point icon is actuated by a user of said pointing device.

6. The method of claim 1, wherein said display corresponds to a graphic user interface (GUI).

7. The method of claim 1, wherein said first source position is a position of a predetermined source point icon.

8. The method of claim 1, wherein said first destination position is a position of a predetermined destination point icon.

9. The method of claim 1, wherein another of said motion vectors is generated each time said motion starts from a motion stop.

10. The method of claim 1, wherein said motion vector comprises parameters defining a pointing cursor average velocity, starting position, stopping position, and motion direction.

11. The method of claim 2, wherein said set of motion vectors are stored in response to actuating said destination point icon.

12. The method of claim 1, wherein said set of motion vectors are associated with

said first source position and source positions proximate to said first source position, and said first destination position and destination positions proximate to said first destination position.

13. The method of claim 2, wherein said second source position corresponds to a position of a source point icon.

14. The method of claim 2, wherein said pointing cursor locks to said destination point icon until said destination point icon is actuated by a user.

15. The method of claim 2, wherein said pointing cursor locks to said destination point icon until a motion vector indicates a more likely destination point icon.

16. The method of claim 3, wherein said motion of said pointing cursor proceeds from said first source position to said destination point icon corresponding to an ideal motion vector, said ideal motion vector motion changed only if a new destination point icon is determined.

17. A computer program product, said computer program product embodied in a machine readable medium, including programming for a processor, said computer program comprising a program of instructions for performing the program steps of:

acquiring data corresponding to a motion of a pointing cursor on a display, said motion of said pointing cursor corresponding to a pointing device used to move said pointing cursor from a first source position to a first destination position on said display;

generating a set of motion vectors corresponding to said motion of said pointing cursor from said first source position to said first destination position; and

storing said set of motion vectors and said first destination position referenced to said first source position.

18. The computer program product of claim 17 further comprising the steps of:

(a) generating, within an application program, a first motion vector for said

pointing cursor on said display as said pointing cursor moves from a second source position in response to a motion of said pointing device;

(b) predicting a destination point icon in response to a compare of said second source position to a corresponding stored source position or a source position proximate to said second source position, wherein said corresponding stored source position which compares to said second source position also has stored said first motion vector or a motion vector proximate to said first motion vector; and

(c) highlighting said destination point icon;

19. The computer program product of claim 18, further comprising the step of:

repeating said steps (a) through (c) until said highlighted destination point icon is actuated by a user of said pointing device.

20. The computer program product of claim 17, further comprising the steps of:

(a) generating, within an application program, a first motion vector for said pointing cursor on said display as said pointing cursor moves from a second source position in response to a motion of said pointing device;

(b) predicting a destination point icon in response to a compare of said second source position to a corresponding stored source position or a source position proximate to said second source position, wherein said corresponding stored source position which compares to said second source position also has stored said first motion vector or a motion vector proximate to said first motion vector; and

(c) modifying a motion of said pointing cursor to more nearly follow ideal motion vectors from said first source position to said destination point icon.

21. The computer program product of claim 20, further comprising the step of:

repeating said steps (a) through (c) until said predicted destination point icon is actuated by a user of said pointing device.

22. The computer program product of claim 17, wherein said display corresponds to a graphic user interface (GUI).

23. The computer program product of claim 17, wherein said first source position is a position of a predetermined source point icon.

24. The computer program product of claim 17, wherein said first destination position is a position of a predetermined destination point icon.

25. The computer program product of claim 17, wherein another of said motion vectors is generated each time said motion starts from a motion stop.

26. The computer program product of claim 17, wherein said motion vector comprises parameters defining a pointing cursor average velocity, starting position, stopping position, and motion direction.

27. The computer program product of claim 18, wherein said set of motion vectors are stored in response to actuating said predetermined destination point icon.

28. The computer program product of claim 17, wherein said set of motion vectors are associated with said first source position and source positions proximate to said first source position, and said first destination position and destination positions proximate to said first destination position.

29. The computer program product of claim 18, wherein said second source position corresponds to a position of a source point icon.

30. The computer program product of claim 18, wherein said pointing cursor locks to said destination point icon until said destination point icon is actuated by a user.

31. The computer program product of claim 18, wherein said pointing cursor locks to said destination point icon until a motion vector indicates a more likely destination point icon.

32. The computer program product of claim 19, wherein said motion of said

pointing cursor proceeds from said first source position to said destination point icon corresponding to an ideal motion vector, said ideal motion vector motion changed only if a new destination point icon is determined.

33. A data processing system comprising:

a central processing unit (CPU);

a random access memory (RAM);

a communications adapter coupled to a communication network;

an I/O adapter

a bus system coupling said CPU to said PROM, said communications adapter, said I/O adapter, and said RAM, wherein said CPU comprises:

circuitry for acquiring data corresponding to a motion of a pointing cursor on a display, said pointing cursor corresponding to a pointing device used to move said pointing cursor from a first source position to a first destination position on said display;

circuitry for generating a set of motion vectors corresponding to said motion of said pointing cursor from said first source position to said first destination position, said motion vectors having a vector source point, a magnitude and direction; and

circuitry for storing said set of motion vectors and said first destination position referenced to said first source position.

34. The data processing system of claim 33, further comprising:

circuitry for generating, within an application program, a first motion vector for said pointing cursor on said display as said pointing cursor moves from a second source position in response to a motion of said pointing device;

circuitry for predicting a destination point icon in response to a compare of said second source position with a corresponding stored source position or a stored proximate source position having a stored corresponding said first motion vector or a proximate motion vector; and

circuitry for highlighting said destination point icon.

35. The data processing system of claim 33, further comprising:

circuitry for generating, within an application program, a first motion vector for said pointing cursor on said display as said pointing cursor moves from a second source position in response to a motion of said pointing device;

circuitry for predicting a destination point icon in response to a compare of said second source position with a corresponding stored source position or a stored proximate source position having a stored corresponding said first motion vector or a proximate motion vector; and

circuitry for modifying a motion of said pointing cursor to follow ideal motion vectors from said first source position to said destination point icon.

36. The data processing system of claim 33, wherein said display corresponds to a graphic user interface (GUI).

37. The data processing system of claim 33, wherein said first source position is a position of a predetermined source point icon.

38. The data processing system of claim 33, wherein said first destination position is a position of a predetermined destination point icon.

39. The data processing system of claim 33, wherein another of said motion vectors is generated each time said motion starts from a motion stop.

40. The data processing system of claim 33, wherein said motion vector comprises parameters defining a pointing cursor average velocity, starting position, stopping position, and motion direction.

41. The data processing system of claim 34, wherein said set of motion vectors are stored in response to actuating said destination point icon.

42. The data processing system of claim 33, wherein said set of motion vectors

are associated with said first source position and source positions proximate to said first source position, and said first destination position and destination positions proximate to said first destination position.

43. The data processing system of claim 34, wherein said second source position corresponds to a position of a source point icon.

44. The data processing system of claim 34, wherein said pointing cursor locks to said destination point icon until said destination point icon is actuated by a user.

45. The data processing system of claim 34, wherein said pointing cursor locks to said destination point icon until a motion vector indicates a more likely destination point icon.

46. The data processing system of claim 35, wherein said motion of said pointing device proceeds from said first source position to said destination point icon corresponding to an ideal motion vector, said ideal motion vector motion changed only if a new destination point icon is determined..

47. A method for improving a selection of a graphic user interface (GUI) icon with a pointing device, comprising the step of:

predicting, within an application program, a destination point icon by comparing a motion vector imparted by a user to a pointing cursor to a previously acquired motion vector acquired from said user moving said pointing cursor.

48. The method of claim 47, further comprising the step of:

highlighting said destination point icon in response to said prediction step until said predicted destination point icon is actuated by said user

49. The method of claim 47, further comprising the step of:

modifying a motion of said pointing cursor as a user moves a pointing device corresponding to said pointing cursor in an attempt to move said pointing cursor from

a source point icon to said predicted destination point icon.

50. A computer program product, said computer program product embodied in a machine readable medium, including programming for a processor, said computer program comprising a program of instructions for performing the program step of:

predicting, within an application program, a destination point icon by comparing a motion vector imparted by a user to a pointing cursor to a previously acquired motion vector acquired from said user moving said pointing cursor.

51. The computer program product of claim 50, further comprising the step of:

highlighting said destination point icon in response to said prediction step until said predicted destination point icon is actuated by said user

52. The computer program product of claim 50, further comprising the step of:

modifying a motion of said pointing cursor as a user moves a pointing device corresponding to said pointing cursor in an attempt to move said pointing cursor from a source point icon to said predicted destination point icon.

53. A data processing system comprising:

a central processing unit (CPU);

a random access memory (RAM);

a communications adapter coupled to a communication network;

an I/O adapter;

a bus system coupling said CPU to said PROM, said communications adapter, said I/O adapter, and said RAM, wherein said CPU comprises:

circuitry operable to predict, within an application program, a destination point icon by comparing a motion vector imparted by a user to a pointing cursor to a previously acquired motion vector acquired from said user moving said pointing cursor.

54. The data processing system of claim 53, further comprising:

circuitry operable to highlight said predicted destination point icon until said predicted destination point icon is actuated by said user

55. The data processing system of claim 53, further comprising:

circuitry operable to modify a motion of said pointing cursor as a user moves a pointing device corresponding to said pointing cursor in an attempt to move said pointing cursor from a source point icon to said predicted destination point icon.

EVIDENCE APPENDIX

No evidence was submitted pursuant to §§1.130, 1.131, or 1.132 of 37 C.F.R. or of any other evidence entered by the Examiner and relied upon by Appellant in the Appeal.

RELATED PROCEEDINGS APPENDIX

There are no related proceedings to the current proceeding.

Austin_1 290149v.1

AFA RFW

PTO/SB/21 (09-04)
Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission: 42

Application Number	09/842,471
Filing Date	04/26/2001
First Named Inventor	Roger Kenneth Abrams
Art Unit	2179
Examiner Name	Mylinh T. Tran
Attorney Docket Number	RPS920010007US1

ENCLOSURES *(Check all that apply)*

- [✓] Fee Transmittal Form
  - [ ] Fee Attached
- [ ] Amendment/Reply
  - [ ] After Final
  - [ ] Affidavits/declaration(s)
- [ ] Extension of Time Request
- [ ] Express Abandonment Request
- [ ] Information Disclosure Statement
- [ ] Certified Copy of Priority Document(s)
- [ ] Reply to Missing Parts/ Incomplete Application
  - [ ] Reply to Missing Parts under 37 CFR 1.52 or 1.53
- [ ] Drawing(s)
- [ ] Licensing-related Papers
- [ ] Petition
- [ ] Petition to Convert to a Provisional Application
- [ ] Power of Attorney, Revocation Change of Correspondence Address
- [ ] Terminal Disclaimer
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- [ ] After Allowance Communication to TC
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- [✓] Appeal Communication to TC **(Appeal Notice, Brief, Reply Brief)**
- [ ] Proprietary Information
- [ ] Status Letter
- [✓] Other Enclosure(s) (please Identify below):
  Return Postcard

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Winstead Sechrest & Minick P.C.		
Signature			
Printed name	Robert A. Voigt, Jr.		
Date	09/01/2005	Reg. No.	47,159

CERTIFICATE OF TRANSMISSION/MAILING

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PTO/SB/17 (11-04)
Approved for use through 07/31/2006. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Effective on 10/01/2004. Patent fees are subject to annual revision.

FEE TRANSMITTAL
For FY 2005

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT ($) **500.00**

Complete if Known	
Application Number	09/842,471
Filing Date	04/26/2001
First Named Inventor	Roger Kenneth Abrams
Examiner Name	Mhlinh T. Tran
Art Unit	2179
Attorney Docket No.	RPS920010007US1

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order

☑ Deposit Account ☐ None

Deposit Account Number: **50-0563**

Deposit Account Name: **IBM Corporation**

The Director is hereby authorized to: (check all that apply)

☑ Charge fee(s) indicated below

☐ Charge fee(s) indicated below, **except for the filing fee**

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to the above-identified deposit account.

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FEE CALCULATION

1. BASIC FILING FEE

Fee Description	Fee ($)	Small Entity Fee ($)	Fee Paid($)
Utility Filing Fee	790	395	
Design Filing Fee	350	175	
Plant Filing Fee	550	275	
Reissue Filing Fee	790	395	
Provisional Filing Fee	160	80	

Subtotal (1) $ _____

FEE CALCULATION (continued)

2. EXTRA CLAIM FEES

Fee Description	Fee ($)	Small Entity Fee ($)
Each claim over 20	50	25
Each independent claim over 3	200	100
Multiple dependent claims	360	180
For Reissues, each claim over 20 and more than in the original patent	50	25
For Reissues, each independent claim more than in the original patent	200	100

Total Claims	Extra Claims	Fee ($)	Fee Paid ($)
_____ - 20 or HP =	_____	x _____	= _____

HP = highest number of total claims paid for, if greater than 20

Indep. Claims	Extra Claims	Fee ($)	Fee Paid ($)
_____ - 3 or HP =	_____	x _____	= _____

HP = highest number of independent claims paid for, if greater than 3

Multiple Dependent Claims	Fee ($)	Fee Paid ($)
	_____	_____

Subtotal (2) $ _____

3. OTHER FEES

Fee Description	Fee ($)	Small Entity Fee ($)	Fee Paid($)
1-month extension of time	120	60	
2-month extension of time	450	225	
3-month extension of time	1,020	510	
4-month extension of time	1,590	795	
5-month extension of time	2,160	1,080	
Information disclosure stmt. fee	180	180	
37 CFR 1.17(q) processing fee	50	50	
Non-English specification	130	130	
Notice of Appeal	500	250	
Filing a brief in support of appeal	500	250	500
Request for oral hearing	1,000	500	
Other: _____			

Subtotal (3) $ 500

SUBMITTED BY

Signature		Registration No. (Attorney/Agent) 47.159	Telephone 512.370.2832
Name (Print/Type)	Robert A. Voigt, Jr.		Date 09/01/2005